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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,394	08/30/1999	JOHN S. YATES JR.	30585/3	9093

7590 04/14/2003

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EXAMINER	
ELLIS, RICHARD L	20
ART UNIT	**PAPER NUMBER**
2183	

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

09/385,394

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INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) David Boundy (3) —

(2) Richard Ellis (4) —

Date of Interview 3/27/2003

Type: ☑ Telephonic ☐ Televideo Conference ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☑ No If yes, brief description: —

Agreement ☐ was reached. ☑ was not reached.

Claim(s) discussed: 22

Identification of prior art discussed: Richter et al. (of Record)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attached Sheet for details.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☑ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary. A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has are ready been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

RICHARD L. ELLIS
PRIMARY EXAMINER

FORM PTOL-413 (REV. 2-98)

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§1.133 Interviews

* * * * *

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111 and 1.135. (35 U.S.C. 132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, pointing out typographical errors or unreadable script in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s)) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desireable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or accurate, the examiner will give the applicant one month from the date of the notifying letter to complete the reply and thereby avoid abandonment of the application (37 CFR 1.135(c)).

Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Response to applicant's telephone request for clarification.

1. In a telephone voice mail message applicant raised the following two further questions and requested clarification:

> A) That in applicant's understanding of the operation of the Richter et al. reference, that there is data stored in big-endian mode, and other data stored in little-endian mode. That for example, if data in memory is stored in big-endian mode, and Richter is operating in little-endian mode internal to the processor, that upon performing a load into a register, that Richter et al. will pick up the bytes in big-endian fashion, perform a endian byte reversal to convert to little endian mode, and put them into the register in little-endian mode. Therefore, applicant believes that is would mean Richter et al. can no longer access the data from memory and get a meaningful result, that this is not a workable system.

Applicant's assertion is incorrect because applicant appears to be of the opinion that performing a big-endian to little-endian byte reversal somehow alters the numerical values that the processor recognizes. This is incorrect. Big-endian and little-endian simply refer to the ordering of the bytes of a multi-byte datum which constitute the data value the processor utilizes. To take applicant's example of big-endian data in memory, and the processor switching to little-endian internal operation mode we have the following: Assume that in memory is a 32bit unsigned integer quantity stored in big-endian order which is the binary numerical representation of the base-10 number 234,567 (said number having been chosen arbitrarily). Richter et al.'s system will access that big-endian quantity in memory which represents the base-10 value 234,567, perform endian byte conversion as indicated on column 9 of Richter et al.'s disclosure, and place into a processor register a binary value, now represented in little-endian byte ordering, that still represents the base-10 value 234,567. I.e., the base-10 number represented by the bytes remains the same, only the big-endian/little-endian ordering of said bytes has changed. Therefore, Richter et al.'s system does indeed produce a meaningful result, and is indeed a workable system.

B) Applicant's second inquiry was that applicant was having trouble linking up the description of a different interrelated condition in which something exists or occurs, a different context [from the last response] with a claim that recites a logically equivalent context (claim 22).

Applicant is reminded of the meaning of word equivalent:

equivalent : 1 : equal in force, amount, or value; also: equal in area or volume but not admitting of superposition <a square ~ to a triangle>
Webster's Ninth New Collegiate Dictionary, Merriam-Webster, Inc., 1990.

Applicant is specifically referred to the portion of Webster's which gives the example "a square equivalent to a triangle". Applicant appears to be interpreting "equivalent" in the claims to mean identity. However, as is clearly evident from the definition of equivalent, identity is not a requirement. Just as a square is not identical to a triangle of the same area (a four sided figure vs. a three sided figure), applicant's claims do not recite a first context identical to a second context, but instead merely recite an equivalent context, meaning "equal in force, amount, or value", and "equal in area or volume but not admitting of superposition". Therefore, as seen from the response to the first inquiry above, a datum stored in big-endian byte ordering that represents the base-10 value 234,567 is "logically equivalent" to a datum stored in little-endian byte ordering representing the base-10 value 234,567 because they are "equal in ... value" and "equal in area or volume but not admitting of superposition". Therefore, the contexts are "different" (big-endian vs. little-endian) while also being "equivalent" (both contexts represent the base-10 value 234,567).

Richard Ellis
March 27, 2003